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TAGS: PGOV KDEM VE
SUBJECT: GBRV DISQUALIFIES AT LEAST ONE MORE OPPOSITION
CANDIDATE

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Classified By: POLITICAL COUNSELOR FRANCISCO FERNANDEZ,
FOR REASON 1.4(D)

¶1. (C) Summary: On November 3, the Supreme Court disqualifies another opposition contender for the state and local elections on November 23 -- Yaracuy gubernatorial candidate and political exile Eduardo Lappi. The Supreme Court is also considering whether or not to declare another leading opposition candidate ineligible in the Carabobo State gubernatorial race. The Comptroller already disqualified some 272 current and former public officials from running for office earlier this year based on administrative sanctions, including the opposition's most electable candidates in three other gubernatorial races and the Caracas mayoral race. With less than three weeks until the election, the GBRV could use this tactic to remove other key opposition figures, including Zulia governor and mayoral candidate Manuel Rosales. The GBRV is increasingly dropping democratic pretenses as it seeks to maximize the electoral prospects of its United Socialist Party of Venezuela (PSUV) in the upcoming elections. End Summary.

OPPOSITION LOSES BEST CANDIDATE IN YARACUY

¶2. (SBU) Just twenty days before state and local elections, the Supreme Court disqualified opposition Yaracuy State gubernatorial candidate Eduardo Lappi from running for office. The court ruled that Lappi had committed "constitutional fraud," assessing that he was seeking to "evade justice" by running for office. Lappi has been living in exile in Peru since escaping from jail in 2006, where he was being held on politically-motivated corruption charges. Lappi's lawyers pointed out that years ago Socialist League member David Nieves was permitted to be elected to the then Venezuelan Senate while in jail. Nevertheless, the court concluded that Lappi's case was different because he is a fugitive from justice, whereas Nieves had been serving his time.

¶3. (C) Lappi's disqualification considerably undermines the opposition's once promising electoral prospects in Yaracuy, where Lappi was strongly favored to win. Political watchers argued that Lappi's arrest, imprisonment, and escape to Peru had generated considerable public sympathy for him as a victim of the GBRV's authoritarianism. The other opposition contender in Yaracuy, Edward Capdevielle, has made little headway in the polls. The decision gives the opposition just ten days to find a substitute before the final names are

fixed on the ballot cards. Candidates can still change after that point, but their names will remain unchanged on the ballots.

CARABOBO, ZULIA CANDIDATES UNDER FIRE

¶4. (C) A separate case is pending before the Supreme Court against consensus opposition candidate for the Carabobo State governorship, Henrique Salas Feo. Salas Feo is a former two-term governor, and a Venezuelan has filed a complaint with the Court maintaining that Salas Feo must sit out two terms before being eligible to run again. He is strongly favored to win the seat against the PSUV's candidate and state TV talk show host Mario Silva. Salas Feo told us he would ask his father, a former Carabobo State governor and former presidential candidate, to run in his place if he is disqualified. Salas Feo has relatively strong favorability ratings in Carabobo, whereas polling indicates pro-government dissident candidate and incumbent governor Luis Felipe Acosta Carlez is highly unpopular while Silva is trailing Salas Feo in the polls.

¶5. (C) The PSUV's Zulia state gubernatorial candidate Carlo Di Martino announced he plans to go to the National Assembly on November 5 to sustain his accusations against current Zulia governor and opposition mayoral candidate Manuel Rosales for corruption and fraud involving the state's lottery. Separately, a National Assembly Deputy alleges that he has evidence that Rosales gave a friend a state automobile. One week earlier, Chavez announced that Rosales should be investigated on a variety of allegations including coup plotting and narcotrafficking, and presumably made ineligible. An investigation would be likely to find some

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wrongdoing by Rosales, who almost certainly has used official resources for campaign purposes. Rosales' continuing role is crucial to the electoral success of his protégé and consensus opposition Zulia State gubernatorial candidate, Pablo Perez.

¶6. (SBU) Caracas consensus opposition mayoral candidate Antonio Ledezma on November 3 took the opportunity to show opposition unity, announcing a planned "solidarity" protest for November 8 in Caracas to show support for embattled candidates Salas Feo, Lappi, and Rosales. He told pro-opposition daily El Universal that he attributes the attacks against those candidates to Chavistas' fear of an "electoral tsunami" on election day and pledged that the opposition was printing ten million ballot cheatsheets, or "chuletas," for voters to use to better manage the complicated balloting procedure. These could prove particularly crucial if the opposition has to make last-minute candidate substitutions that will not be readily apparent on the ballot sheets.

COMMENT

¶7. (C) Lappi's disqualification, based on the fact he is an escaped convict, appears more legally tenable than the Comptroller's decision to declare some 272 current and former officials ineligible earlier this summer via an administrative process, rather in a courtroom. The Supreme Court is even more widely perceived to be biased in favor of Chavez, and politics almost certainly played a role in this decision. The Court could also prohibit the candidacy of Salas Feo, one of the opposition's most popular gubernatorial prospects. At the same time, the GBRV appears to be laying the groundwork for either disqualifying or prosecuting Rosales on corruption charges. To date, the GBRV has sidelined five of the opposition's strongest potential candidates in key races -- Leopoldo Lopez (Caracas), William Mendez (Tachira), Enrique Mendoza (Miranda), Antonio Barret

Sira (Anzoategui), and now Eduardo Lappi (Yaracuy). End
Comment.

CAULFIELD